

RESOLUTION NO. 2014229

RE: AUTHORIZING CONDEMNATION PROCEEDING FOR ACQUISITION
IN FEE AND FOR TWO TEMPORARY EASEMENTS OF REAL
PROPERTY OWNED BY PETER FASCE FOR THE REHABILITATION OF
CR 21 (NOXON ROAD) AND CR 49 (TITUSVILLE ROAD)
INTERSECTION, (PIN 8758.69) TOWN OF LAGRANGE

Legislators HUTCHINGS, MICCIO, SAGLIANO, and JETER-JACKSON offer
the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement of
CR 21 (Noxon Road) and CR 49 (Titusville Road) intersection, in the Town of LaGrange, which
project (PIN#8758.69) includes the acquisition of portions of certain properties, and

WHEREAS, a Negative Declaration was approved and adopted by this
Legislature on December 8, 2008 under Resolution No. 208403 with the Department of Public
Works having determined that the improvement project constitutes an unlisted action under
SEQRA, and

WHEREAS, it has been determined that a portion of property owned by Peter
Fasce is necessary to advance the rehabilitation of County Route 21 and County Route 49
intersection under a Federal Aid Project, and

WHEREAS, the County needs to acquire clear title to the property that it is
seeking to acquire, and

WHEREAS, due to a pending foreclosure and judgments against the property it is
not possible to obtain clear title, therefore, condemnation is necessary to advance the project, and

WHEREAS, the property to acquire in fee is 193.74 ± square meters (2,085.40±
square feet), and a temporary easement of 22.43± square meters (241.47± square feet), and a
temporary easement of 9.17± square meters (98.72± square feet) parcel located on the west side
of CR 21 (Noxon Road) in the Town of LaGrange as shown on Dutchess County Acquisition
Map No. 57, Parcel No. 119 (fee acquisition) and Map No. 57, Parcel No. 120 (temporary
easement), and Map No. 57, Parcel No. 142 (temporary easement), portions of Tax Grid No.
133400-6360-01-209511-0000, and

WHEREAS, authorization is requested to begin Eminent Domain Proceedings to
acquire fee interest and temporary easements over a portion of property owned by Peter Fasce
for a total consideration of \$20,390.00 (\$20,110.00 for the fee acquisition and \$200.00 and
\$80.00 respectively for the temporary easements) plus \$3,000.00 in related expenses, and

WHEREAS, it is now necessary for this Legislature to authorize the
commencement of proceedings pursuant to the Eminent Domain Procedure Law for the
acquisition of said property as follows:

<u>Name</u>	<u>Map No.</u>	<u>Parcel Nos.</u>	<u>Square Meter</u>	<u>Proffered Amount</u>
Peter Fasce	57 (FEE)	119	193.74±	\$20,110.00
	57 (TE)	120	22.43±	\$ 200.00
	57 (TE)	142	9.17±	\$ 80.00

now, therefore, be it

RESOLVED, that the Commissioner of Public Works on behalf of Dutchess County be and he hereby is authorized and empowered to commence proceedings against Peter Fasce pursuant to the Eminent Domain Procedure Law for the fee acquisition and temporary easements over the above property in furtherance of the rehabilitation of the intersection of Noxon Road, CR 21, and Titusville Road, CR 49, in the Town of LaGrange, Dutchess County, New York, and it is further,

RESOLVED, that the Commissioner of Public Works is authorized to spend up to Three Thousand and 00/100 (\$3,000.00) Dollars in related expenses in connection with the condemnation proceeding.

CA-154-14

CAB/ca/R-0907-WW

8/13/14

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of September 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of September 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ 23,390

Total Current Year Revenue \$ 19,370
and Source

Source of County Funds (check one): ☒ Existing Appropriations, ☐ Contingency,
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ 3,000

Nature/Reason:

Anticipated Administrative Costs and Fees.

Anticipated Savings to County: \$19,370

Net County Cost (this year): \$4,020
Over Five Years: _____

Additional Comments/Explanation:

This Fiscal Impact Statement pertains to the accompanying resolution request form seeking authorization to acquire additional right of way under the Eminent Domain Procedure Law, for property owned by Peter Fasce, identified on Map 57, Parcels 119,120,142 for the project identified as PIN 8758.69 Rehabilitation of CR 21(Noxon Road) and CR 49 (Titusville Road) Intersection, Town of Lagrange, for the purchase price of \$20,390.

The total current year cost includes \$3000 in related expenses.

Prepared by: Matthew W. Davis

EX. 2929

PIN 8758.69

Originals of this map (sheets 1 through 3) are on file at the offices of the Dutchess County Department of Public Works

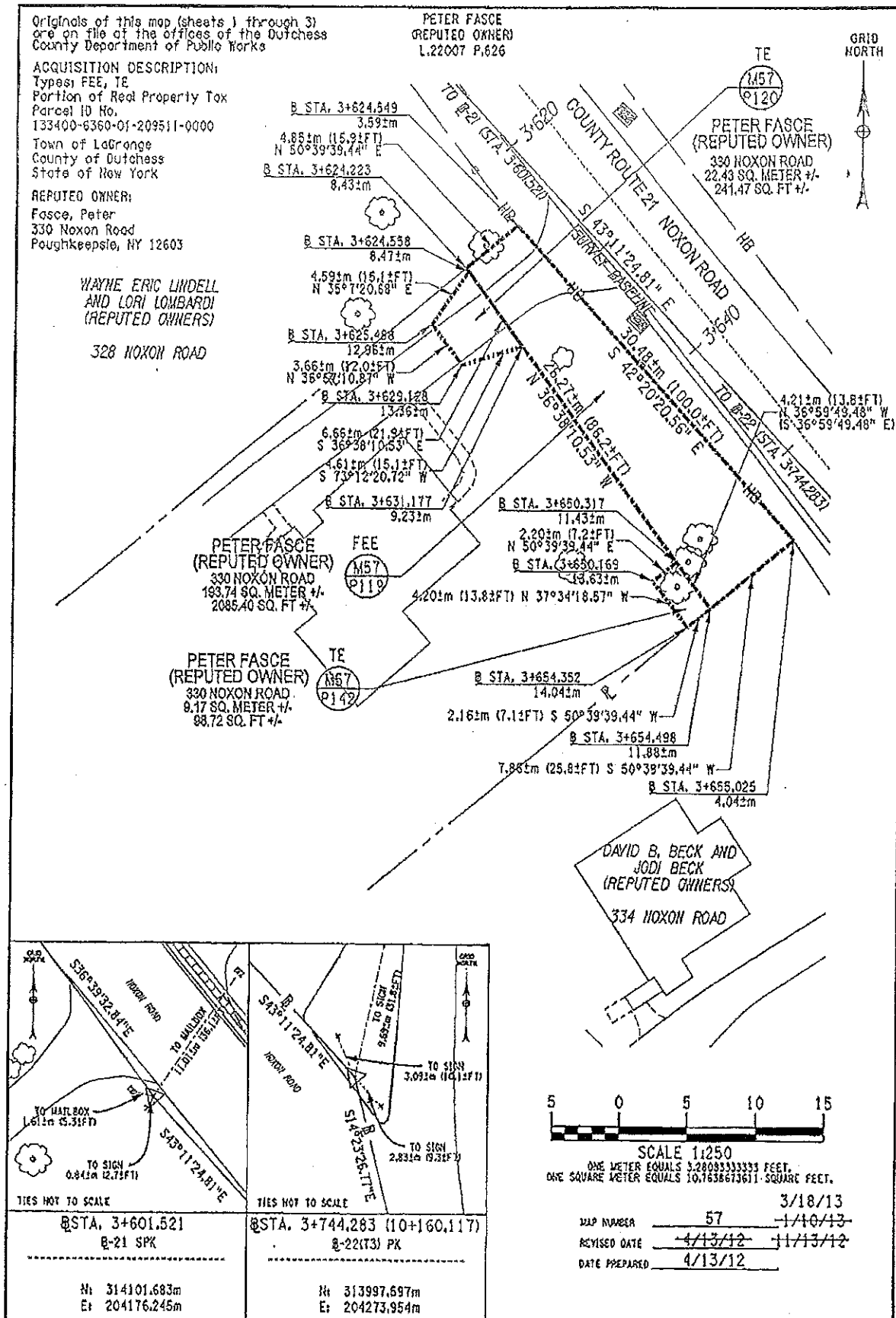
PETER FASCE
 REPUTED OWNER
 L22007 P.626

ACQUISITION DESCRIPTION:
Types: FEE, TE
Portion of Real Property Tax
Parcel ID No.
133400-6360-01-209511-0000
Town of LaGrange
County of Dutchess
State of New York

REPUTED OWNER:
Fasce, Peter
330 Noxon Road
Poughkeepsie, NY 12603

WAYNE ERIC LINDELL
AND LORI LOMBARDI
(REPUTED OWNERS)

328 NOXON ROAD





'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

REHABILITATION OF NOXON ROAD (CR 21)
AND TITUSVILLE ROAD (CR 49) INTERSECTION

PIH 8758.69

MAP NO. 57
PARCEL NO. 119,120,142
SHEET 2 OF 3

Map of property which the Commissioner of Public Works deems necessary to be acquired in the name of the People of the County of Dutchess in fee acquisition and temporary easement for purposes connected with the highway system of the County of Dutchess, pursuant to Section 118 of the Highway Law and the Eminent Domain Procedure Law.

PARCEL 119, A FEE ACQUISITION TO BE EXERCISED FOR THE PURPOSE OF THE WIDENING OF COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD/TITUSVILLE ROAD INTERSECTION IMPROVEMENTS PROJECT WITH IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO THE FOLLOWING: NOXON ROAD AND ITS SHOULDER WILL BE WIDENED, A PORTION OF A CLOSED DRAINAGE SYSTEM WILL BE INSTALLED AND THE ADJACENT SIDE SLOPE WILL BE CLEARED/GRUBBED AND GRADED TO MEET WITH THE EXISTING GROUND AND SEEDED TO RE-ESTABLISH A GRASS SURFACE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD), SAID POINT ALSO BEING AT THE DIVISION LINE OF LANDS OF WAYNE ERIC LINDELL AND LORI LOMBARO (REPUTED OWNERS) TO THE NORTH AND LANDS OF PETER FASCE (REPUTED OWNER) TO THE SOUTH, SAID POINT ALSO BEING DISTANT 3.591m MEASURED AT RIGHT ANGLES FROM STATION 3+624.5492 OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE ALONG SAID BOUNDARY SOUTH 42°20'20.56" EAST A DISTANCE OF 30.481m (100.02FT) TO A POINT, SAID POINT BEING ON THE DIVISION LINE OF LANDS OF PETER FASCE (REPUTED OWNER) TO THE NORTH AND LANDS OF DAVID B. BECK AND JOJO BECK (REPUTED OWNERS) TO THE SOUTH, SAID POINT ALSO BEING DISTANT 4.041m MEASURED AT RIGHT ANGLES FROM STATION 3+655.0251 OF SAID BASELINE; THENCE ALONG SAID DIVISION LINE SOUTH 50°39'39.44" WEST A DISTANCE OF 7.861m (25.81FT) TO A POINT, SAID POINT BEING DISTANT 11.881m MEASURED AT RIGHT ANGLES FROM STATION 3+654.4981 OF SAID BASELINE; THENCE THROUGH LANDS OF PETER FASCE (REPUTED OWNER) NORTH 36°59'49.48" WEST A DISTANCE OF 4.211m (13.81FT) TO A POINT, SAID POINT BEING DISTANT 11.431m MEASURED AT RIGHT ANGLES FROM STATION 3+650.3172 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 36°38'10.53" WEST A DISTANCE OF 26.271m (86.21FT) TO A POINT, SAID POINT BEING AT THE DIVISION LINE OF LANDS OF WAYNE ERIC LINDELL AND LORI LOMBARO (REPUTED OWNERS) TO THE NORTH AND LANDS OF PETER FASCE (REPUTED OWNER) TO THE SOUTH, SAID POINT ALSO BEING DISTANT 8.431m MEASURED AT RIGHT ANGLES FROM STATION 3+624.2231 OF SAID BASELINE; THENCE CONTINUING ALONG SAID DIVISION LINE NORTH 50°39'39.44" EAST A DISTANCE OF 4.851m (15.91FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 193.741 SQUARE METERS (2085.401 SQUARE FEET) MORE OR LESS.

PARCEL 120, A TEMPORARY EASEMENT TO BE EXERCISED FOR THE PURPOSE OF WORK AREA IN CONNECTION WITH THE REHABILITATION OF A DRIVEWAY TO MEET THE PROPOSED ROADWAY EDGE, AS WELL AS GRADING THE SIDE SLOPES OF THE DRIVEWAY TO MEET THE EXISTING GROUND, SEEDING TO RE-ESTABLISH A GRASS SURFACE, AND PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT, ALONG COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD/TITUSVILLE ROAD INTERSECTION IMPROVEMENTS PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE LANDS OF PETER FASCE (REPUTED OWNER), SAID POINT BEING DISTANT 8.471m MEASURED AT RIGHT ANGLES FROM STATION 3+624.5581 OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE THROUGH LANDS OF PETER FASCE (REPUTED OWNER) SOUTH 36°38'10.53" EAST A DISTANCE OF 6.661m (21.91FT) TO A POINT, SAID POINT BEING DISTANT 9.231m MEASURED AT RIGHT ANGLES FROM STATION 3+631.1772 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 73°12'20.72" WEST A DISTANCE OF 4.611m (15.11FT) TO A POINT, SAID POINT BEING DISTANT 13.361m MEASURED AT RIGHT ANGLES FROM STATION 3+629.1281 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 36°57'10.87" WEST A DISTANCE OF 3.681m (12.01FT) TO A POINT, SAID POINT BEING DISTANT 12.961m MEASURED AT RIGHT ANGLES FROM STATION 3+625.4881 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 35°7'20.88" EAST A DISTANCE OF 4.59m (15.11FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 22.431 SQUARE METERS (241.471 SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 120, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

3/18/13
MAP NUMBER 57 ~~1/10/13~~
REVISED DATE 4/13/12 ~~1/13/12~~
DATE PREPARED 4/13/12



'EXHIBIT A'
COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS

REHABILITATION OF NOXON ROAD (CR 21)
 AND TITUSVILLE ROAD (CR 49) INTERSECTION

PIN 8758.69

MAP NO. 57
 PARCEL NO. 119,120,142
 SHEET 3 OF 3

PARCEL 142, A TEMPORARY EASEMENT TO BE EXERCISED FOR THE PURPOSE OF WORK AREA IN CONNECTION WITH THE CLEARING/GRUBBING AND GRADING OF SIDE SLOPES TO MEET THE EXISTING GROUND, SEEDING TO RE-ESTABLISH A GRASS SURFACE AND PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT, ALONG COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD/TITUSVILLE ROAD INTERSECTION IMPROVEMENTS PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE DIVISION LINE OF LANDS OF PETER FASCE (REPUTED OWNER) TO THE NORTH AND LANDS OF DAVID B. BECK AND JODI BECK (REPUTED OWNERS) TO THE SOUTH, SAID POINT BEING DISTANT 11.881m MEASURED AT RIGHT ANGLES FROM STATION 3+654.4981 OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE ALONG SAID DIVISION LINE SOUTH 60°39'39.44" WEST A DISTANCE OF 2.161m (7.11FT) TO A POINT, SAID POINT BEING DISTANT 14.041m MEASURED AT RIGHT ANGLES FROM STATION 3+654.3521 OF SAID BASELINE; THENCE THROUGH LANDS OF PETER FASCE (REPUTED OWNER) NORTH 37°34'18.57" WEST A DISTANCE OF 4.201m (13.81FT) TO A POINT, SAID POINT BEING DISTANT 13.631m MEASURED AT RIGHT ANGLES FROM STATION 3+650.1691 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 50°39'39.44" EAST A DISTANCE OF 2.201m (7.23FT) TO A POINT, SAID POINT BEING DISTANT 11.431m MEASURED AT RIGHT ANGLES FROM STATION 3+650.3171 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 36°59'49.48" EAST A DISTANCE OF 4.21m (13.81FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 9.171 SQUARE METERS (98.721 SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 142, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

THE SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD), AS SHOWN ON THE MAP AND DESCRIBED AS FOLLOWS:
 BEGINNING AT STATION 3+601.521; THENCE SOUTH 43°11'24.81" EAST TO STATION 3+744.283.

I hereby certify that the property mapped above is necessary for this project, and the acquisition thereof is recommended.

Date April 9 20 13

Robert H. Bekind

Robert H. Bekind, P.E.
 Acting Commissioner of Public Works

Recommended by:

Date April 8 20 13

Gregory V. Bentley

Gregory V. Bentley, P.E.
 Director of Engineering



3/18/13
 MAP NUMBER 57 1/10/13
 REVISED DATE 4/13/12 11/13/12
 DATE PREPARED 4/13/12

"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map is an accurate description and map made from an accurate survey, prepared under my direction.

Date 3/27 20 13

Edward T. Gannon

EDWARD T. GANNON Land Surveyor
 P.L.S. License No. 49907

MSP- SELLS
 555 PLEASANTVILLE ROAD
 BRIARCLIFF MANOR, NY 10510

RE: ENVIRONMENTAL FINDINGS FOR THE RESURFACING, RESTORATION AND REHABILITATION OF APPROXIMATELY 2.91 KILOMETERS (1.8 miles \pm) OF NOXON ROAD (CR 21) BETWEEN NYS ROUTE 55 AND TITUSVILLE ROAD (CR 49) (PIN 8755.41) AND THE REHABILITATION OF THE NOXON ROAD/TITUSVILLE RD. INTERSECTION (PIN 8758.69) WITHIN THE TOWN OF LAGRANGE, DUTCHESS COUNTY NEW YORK

Legislators KELLER-COFFEY, MANSFIELD, McCABE, and SEARS offer the following and move its adoption:

WHEREAS, Dutchess County has established itself as Lead Agency in a companion resolution in accordance with 6 NYCRR 617.6, and

WHEREAS, the Department of Public Works as has prepared a Full Environmental Assessment Form (EAF) in connection the resurfacing, restoration and rehabilitation of approximately 2.91 kilometers (1.8 miles \pm) of Noxon Rd. (CR 21) between NYS Route 55 and Titusville Rd. (CR 49) and as a result has found no significant impacts on the environment would potentially occur as a result of this project, and

WHEREAS, a true copy of the EAF and Negative Declaration are annexed hereto, and

WHEREAS, the Department of Public Works has determined that the rehabilitation of the Noxon Rd./Titusville Rd. intersection is a Type II action under the State Environmental Quality Review Act (SEQRA) and that no further action is required, and

WHEREAS, it is the purpose of this Legislature in adopting this resolution, to adopt and confirm the findings of the Department of Public Works, now therefore, be it

RESOLVED, that the Legislature approves and adopts the attached Negative Declaration for the resurfacing, restoration and rehabilitation of approximately 2.91 kilometers (1.8 miles \pm) of Noxon Rd. (CR 21) between NYS Route 55 and Titusville Rd. (CR 49) in accordance with 6 NYCRR 617.6, including the acquisition of portions of certain properties in the Town of LaGrange, and be it further

RESOLVED, the attached Negative Declaration is to be filed and published in accordance with 6 NYCRR 617.12.

CA-231-08 CAB/ca/G-1461 11/14/08 Fiscal Impact: See attached statement

APPROVED



WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess, have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of December, 2008, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of December, 2008.

BARBARA HUGO, CLERK OF THE LEGISLATURE

McKinney's Consolidated Laws of New York Annotated Eminent Domain Procedure Law (Refs & Annos) Chapter 73. Of the Consolidated Laws Article 1. Purpose; Short Title; Definitions; Applicability
--

McKinney's EDPL § 101

§ 101. Purpose

Currentness

It is the purpose of this law to provide the exclusive procedure by which property shall be acquired by exercise of the power of eminent domain in New York state; to assure that just compensation shall be paid to those persons whose property rights are acquired by the exercise of the power of eminent domain; to establish opportunity for public participation in the planning of public projects necessitating the exercise of eminent domain; to give due regard to the need to acquire property for public use as well as the legitimate interests of private property owners, local communities and the quality of the environment, and to that end to promote and facilitate recognition and careful consideration of those interests; to encourage settlement of claims for just compensation and expedite payments to property owners; to establish rules to reduce litigation, and to ensure equal treatment to all property owners.

Credits

(L.1977, c. 839, § 1.)

Notes of Decisions (350)

McKinney's E. D. P. L. § 101, NY EM DOM PROC § 101

Current through L.2014, chapters 1 to 327.

End of Document

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